From: Ben Pearre
To: Microsoft ATR
Date: 12/11/01 2:37pm
Subject: Microsoft Settlement

I applaud the proposal that Microsoft would have to open its APIs to competitors (Section III) - it shows a good understanding of what allows Microsoft to abuse its monopoly. However, the provision is basically useless: Microsoft gets to choose to whom to release its APIs. Microsoft's main competitor is hobbyists, not a corporation. Indeed, most of the Internet runs on free software - almost all routing, mail delivery, most web servers, etc... A provision forcing Microsoft to reveal its APIs only to what Microsoft deems to be a Corporation is no remedy at all - Microsoft will be able to continue to strangle its main competitors: the Apache web server, the Sendmail and Postfix mail systems, the Secure Shell, the Samba server, Netscape/Mozilla/etc... all extremely important and popular software with few or no commercial alternatives except for those from Microsoft. In order for the provision to be useful, it must force Microsoft to reveal its APIs to ANYONE, preferably on Microsoft's main web server.

Microsoft knows all this - why else would they be so adamant about the provision that would allow them to deny access to the API to active developers? The DOJ certainly must know most of this, though whether this provision just slipped in unnoticed or the DOJ didn't realise how important free software is I don't know.

Sincerely,
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